

REFERENCE TITLE: **DPS; microwave communications replacement; appropriation**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2687

Introduced by
Representatives Huffman, Hershberger, O'Halleran, Reagan: Quelland,
Yarbrough

AN ACT

AMENDING TITLE 41, CHAPTER 12, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 13; RELATING TO MICROWAVE COMMUNICATIONS; MAKING AN APPROPRIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 12, Arizona Revised Statutes, is amended
3 by adding article 13, to read:

4 ARTICLE 13. MICROWAVE COMMUNICATIONS

5 41-1830.51. Microwave communications infrastructure
6 replacement; lease purchase financing

7 A. THE DEPARTMENT OF PUBLIC SAFETY MAY ENTER INTO LEASE PURCHASE
8 FINANCING TO REPLACE THE CURRENT MICROWAVE COMMUNICATIONS INFRASTRUCTURE.

9 B. THE EXISTING MICROWAVE SYSTEM SHALL BE REPLACED IN A MANNER THAT
10 MAINTAINS THE EXISTING LEVEL OF READINESS AND REDUNDANCY FOR ALL
11 COMMUNICATIONS SUBSYSTEMS SUPPORTED BY THE MICROWAVE INFRASTRUCTURE AT A
12 TOTAL FINANCED AMOUNT THAT DOES NOT EXCEED APPROPRIATED MONIES OR FEDERAL
13 MONIES MADE AVAILABLE FOR THAT PURPOSE.

14 C. EACH LEASE PURCHASE AGREEMENT SHALL INCLUDE CERTIFICATES OF
15 PARTICIPATION AND SHALL PROVIDE THAT:

16 1. THE OBLIGATION OF THE DEPARTMENT AND THIS STATE TO MAKE ANY PAYMENT
17 UNDER THE AGREEMENT IS A CURRENT EXPENSE OF THE DEPARTMENT, PAYABLE
18 EXCLUSIVELY FROM APPROPRIATED MONIES OR FEDERAL MONIES MADE AVAILABLE FOR
19 THAT PURPOSE, AND IS NOT A GENERAL OBLIGATION INDEBTEDNESS OF THIS STATE OR
20 OF THE DEPARTMENT.

21 2. IF THE LEGISLATURE FAILS TO APPROPRIATE MONIES, IF SUFFICIENT
22 FEDERAL MONIES ARE NOT AVAILABLE OR IF THE DEPARTMENT FAILS TO ALLOCATE
23 MONIES FOR ANY PERIODIC PAYMENT OR RENEWAL TERM OF THE AGREEMENT, THE
24 AGREEMENT TERMINATES AT THE END OF THE CURRENT TERM AND THIS STATE AND THE
25 DEPARTMENT ARE RELIEVED OF ANY SUBSEQUENT OBLIGATION UNDER THE AGREEMENT.

26 D. THE DEPARTMENT MAY COVENANT TO USE ITS BEST EFFORTS TO BUDGET,
27 OBTAIN, ALLOCATE AND MAINTAIN SUFFICIENT APPROPRIATED AND FEDERAL MONIES TO
28 MAKE PAYMENTS UNDER A LEASE PURCHASE AGREEMENT, BUT THE AGREEMENT SHALL
29 ACKNOWLEDGE THAT APPROPRIATING STATE MONIES IS A LEGISLATIVE ACT AND IS
30 BEYOND THE CONTROL OF THE DEPARTMENT OR OF ANY OTHER PARTY TO THE AGREEMENT.

31 E. BEFORE THE AGREEMENT MAY TAKE EFFECT, THE AGREEMENT MUST BE
32 REVIEWED AND APPROVED BY THE ATTORNEY GENERAL FOR COMPLIANCE WITH THE
33 CONSTITUTION AND LAWS OF THIS STATE. IF THE ATTORNEY GENERAL FINDS THAT THE
34 AGREEMENT SO COMPLIES, THE ATTORNEY GENERAL SHALL CERTIFY TO THAT EFFECT AND
35 RETURN THE AGREEMENT TO THE DEPARTMENT.

36 F. THE DEPARTMENT SHALL WORK THROUGH THE GOVERNOR'S OFFICE OF HOMELAND
37 SECURITY IN AN EFFORT TO OBTAIN FEDERAL MONIES FOR THE COMMUNICATIONS NETWORK
38 PROJECTS. FEDERAL MONIES SHALL BE USED TO OFFSET STATE MONIES FOR THE
39 PROJECTS AND ANY UNUSED STATE APPROPRIATED MONIES SHALL REVERT TO THE SOURCE
40 OR FUND FROM WHICH THEY WERE APPROPRIATED.

41 G. ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL PROVIDE
42 A REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE OF MONIES RECEIVED AND
43 SPENT AND THE PROGRESS OF THE COMMUNICATIONS NETWORK PROJECTS.

1 Sec. 2. Appropriation; purpose; exemption

2 A. The sum of \$1,600,000 is appropriated from the state general fund
3 in fiscal year 2006-2007 to the department of public safety for the purposes
4 described in section 1 of this act.

5 B. The appropriation made in subsection A of this section is exempt
6 from the provisions of section 35-190, Arizona Revised Statutes, relating to
7 lapsing of appropriations except that if federal monies are made available to
8 offset expenditures for the purposes provided in section 1 of this act, the
9 state appropriation shall lapse in the amount of the offset.

10 Sec. 3. Emergency

11 This act is an emergency measure that is necessary to preserve the
12 public peace, health or safety and is operative immediately as provided by
13 law.